AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 09/752096
Filing Date: December 31, 2000
Title: SCALABLE BASE STATION ARCHITECTURE

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REMARKS

Applicant has reviewed and considered the Office Action mailed on September 3, 2003, and the references cited therewith.

Claim 73 has been added. Claims 1-20 and 53-72 are now pending in this application.

Affirmation of Election

Restriction to one of the following claims was required:

I. Claims 1-20 and 53-72, drawn to a wireless communication system, classified in class 455, subclass 560.

II. Claims 21-52, drawn to a base station transceiver module, classified in class 455, subclass 561.

As provisionally elected by Applicants representative, Bradley A. Forrest, on July 16, 2003, Applicant elects to prosecute the invention of Group I (claims 1-20 and 53-72).

The claims of the non-elected invention, claims, 21-52, are hereby canceled. However, Applicant reserves the right to later file continuations or divisions having claims directed to the non-elected inventions.

§103 Rejection of the Claims

Claims 1-2, 6-20, 53-54 and 58-72 were rejected under 35 USC § 103(a) as being unpatentable over Dajer et al. (US 6,587,448) and further in view of Robinson et al. (US 5,544,222). This rejection is respectfully traversed, as the references, alone or combined do not teach of suggest each and every element of the invention as claimed.

Dajer et al. is cited as providing base station transceiver modules that are configurable to operate as a standalone single-sector base station transceiver. This assertion is respectfully traversed. Elements 306-1-306-M of Figure 6 are cited for providing such base station transceiver modules. Elements 306-1-M however, are channel unit boards within a base station 300. There is no teaching or suggestion that they can operate as a standalone single-sector base station transceiver. In fact, such channel unit boards 306-1-306-M actually share radio boards 308-1, 308-2, and 308-3. There is no suggestion that they could be separated to operate as standalone single-sector base station transceivers as claimed in each of the pending claims, and

as shown in FIG. 2 of the present application. Since Dajer et al. lacks at least one element it was cited for, a prima facie case of obviousness has not been established, and the rejection should be withdrawn.

The Office Action also cites Col. 2, lines 1-24 of Dajer et al. as evidence of modules that are configurable to operate as a standalone single-sector base station transceiver. This is also traversed, as such language clearly references boards within a base station 100, not capable of operating as standalone single-sector base station transceivers.

The Office Action cites Col. 1, lines 44-50 as providing a backhaul interface module. A control and traffic bus 104 is cited in this language, and is coupled to boards 106 within the base station 100, which as indicated above, are not modules that can operate as standalone single-sector base station transceivers. Thus, this element is also not shown or suggested in Dajer et al.

The Office Action admits that Dajer et al. fails to disclose base station transceiver modules coupled to one another via a high speed serial link. Robinson et al. was combined with Dajer et al. in the Office Action as providing such a link. The Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). The Office Action stated "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dajer et al. with the above teaching of Robinson et al. in order to provide high speed connections between the various transceiver modules." This is a mere conclusory statement of subjective belief, and does not provide objective evidence to support the finding. Applicant respectfully submits that the Office Action has not provided objective evidence for a suggestion or motivation to combine the references.

The combination also would not teach or suggest the invention as claimed. As shown above, Dajer et al. was lacking several elements, and did not show base station transceivers configurable to operate as standalone single-sector base station transceivers as claimed in each of the pending claims. Thus, even if one were to combine Dajer et al. with Robinson et al., one would not arrive at the claimed invention.

Col. 42, lines 12-19 of Robinson et al. are cited for the proposition of a high speed bus. The language cited also refers only to a backplane bus between boards. As indicated above with

respect to Dajer et al., boards are not capable of operating as standalone single-sector base station transceivers as claimed in each of the pending claims. Even if properly combined, the combination does not teach or suggest the invention as claimed.

The remaining dependent claims also are believed to distinguish both the references alone or combined for at least the same reasons as the independent claims from which they depend. With respect to claims 8-11, 14-20 and 60-70, the Office Action references Dajer et al., col. 11, lines 50-60. Applicant notes that this language clearly refers to "arrangement of base station elements" to provide reconfiguration capabilities. As indicated above, the present invention is not directed toward base station elements, such as boards, but is directed toward a base station transceiver module configurable to operate as a standalone single-sector base station transceiver that can communicate with other base station transceiver modules via a backhaul interface.

Claims 3-4 and 55-56 were rejected under 35 USC § 103(a) as being unpatentable over Dajer et al. (US 6,587,448) in view of Robinson et al. (US 5,544,222), and further in view of Yala-Mella et al. (US 6,526,290). These claims are also believed allowable since they depend from independent claims that are allowable. Yala-Mella et al. does not provide the elements missing from the other references.

Claims 5 and 57 rejected under 35 USC § 103(a) as being unpatentable over Dajer et al. (US 6,587,448) and further in view of Siu et al. (US 6,522,641). These claims are also believed allowable since they depend from independent claims that are allowable. Siu et al. does not provide the elements missing from the other references.

New claim 73 is similar to claim 1 in that it describes a base station transceiver module that is configurable to operate as a standalone single-sector base station transceiver, and also includes a transceiver chain, and can access other module's transceiver chains via the backhaul interface. (See at least page 10, lines 1-5).

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6972) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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